



**Before the United States District Court
Northern District of California
450 Golden Gate Ave
San Francisco, CA 94102**

FILED
08 APR -7 PM 1:55
CLERK OF DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

**Chris Walters,
Plaintiff Pro Se**

vs.

**Civil C0800483
The Honorable Edward M Chen Presiding**

**Michael Astrue, et all
Commissioner of Social Security
Defendant**

C 08-483 EMC

**Plaintiff Motion To Withdraw Complaint Based
On ADR & Informal Agreement of Parties**

**Now Comes the Plaintiff Pro Se Chris Walters before the Honorable United States
District Court, Northern District of California to enter a Motion To Withdraw Complaint
based on ADR documents and the informal agreement of the parties to wit:**

- 1. The Court Ordered the ADR process to permit the parties to explore the resolution of their differences before trial.**
- 2. Plaintiff Discovery Motion For An Informal Settlement Based on ADR ORDER OF Court was filed March 5th, 2008 suggesting an informal settlement would be beneficial to all parties based on the existing informal agreement made in USDC, NM cv-07-257**
- 3. Notice of Informal Settlement Based On ADR ORDER of March 21st, 2008 cites the apparent acceptance of Plaintiff's proposal for settlement and provided Chris Walters \$4,000 in back pay and assisted in a move of Chris Walters SSI claim to New Mexico.**
- 4. Plaintiff Chris Walters Motion To Answer As Social Security Administration Discovery Motion seeks address the irregular and untimely questions in the original Complaint created by Administrative Law Judge William Herbert and Administrative Law Judge Sandra Rogers, and the Appeals Council.**
- 5. Chris Walters suggested that further legal questions which might be requested by Social**

Security Administration & staff be filed in the US District Court, Northern District of New Mexico by the United States Attorney.

6. The 9th and 10th US Circuit Courts of Appeals considered Judicial Misconduct Complaints which asked if Administrative Law Judges Herbert & Rogers,.... had usurped the right of review reserved to the Circuits pursuant To Title 28 USC 1291. and specifically suggested that misconduct questions concerning Administrative Law Judges could be addressed to the Chief Judge at the Appeals Council.

Discussion On The Merits

If the Social Security Administration or the Administrative Law Judges feel they need to file additional legal briefs they have been given permission to ask for informal conferences or filing of documents by the original trial judge the Honorable Judith Hererra as the Order provided without Prejudice. No US District Court permits irregular ex parte proceedings by 3rd parties not formally recognized as a party of interest. In order for the parties to conduct litigation there has to be some recognizable issue of law which can be determined which Plaintiff and Defendant contest to exist in Court. While the Administrative Law Judges may feel some issue of law exist the Social Security Commissioner has by enforcing his existing informal agreement demonstrated no contest of issues exist and neither party has any request for damages, penalties, or sanctions.

Chris Walters submits that the cause of justice has been served by and through the excellent offices of the ADR process in the U.S. District Court of Northern California and any additional questions of law can be addressed in the U.S. District Court of New Mexico if any exist. Chris Walters would therefore Move that the formal ADR conference the Court has scheduled for April, 26, 2008 be canceled barring objection by the Social Security Administration.

Respectfully Submitted By
Chris Walters, Plaintiff Pro Se
PO Box 232
Las Cruces, New Mexico 88004-0232



April X. 2008

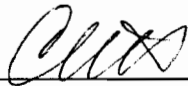
Certificate of Service

I Christopher Walters, Plaintiff Pro Se do state and affirm that I have caused a true and correct copy of the foregoing Motion and Exhibits to be mailed by first class US Mail on the 7 day of

April, 2008 to the following parties:

1. Office of General Counsel
Social Security Administration
Windsor Building
6401 Security Blvd
Baltimore, MD 21235
2. United States Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
3. United States Attorney
Box 36055
450 Golden Gate Avenue
San Francisco, CA 94102
4. Gregory J. Fouratt, USA
P.O. Box 607
Albuquerque, NM 87103
5. Social Security Administration
Technical Expert Betsy Huber
2141 Summit Court
Las Cruces, NM 88011
(505-523-9313 ext 1215)

As Executed By Chris Walters



Date:

April 7, 2008